Base Realignment & Closure (BRAC) 05

3/2006 Update

BRAC Implementation Plans

- Implementation Plan Guidance - 5/05
  - BRAC Installations will develop an Implementation Plan
    - Actions from announcement to final disposal
  - Specific ***Action Plans***, tailored to Installation, for example:
    - Environmental – NEPA & Remediation
    - Construction
    - Reserves and National Guard
    - Chapels
    - Real Property
  - Gap analysis – what they have available, what do they need
- http://www.hqda.army.mil/acsimweb/brac/braco.htm

BRAC Real Property Issues

- Real Property Review
  - Data in the checklist format of a Disposal Report
    - Districts will be asked to provide information on title, encumbrances (outgrants, outstanding rights), and revenue estimates for the upcoming budget
    - Installation will provide facilities (inventory & condition), reconcile with District
  - Data will also be used to develop Disposal Strategy
  - And to develop the RP Action Plan
- ***Real Property Action Plan***
  - A section in the overall Installation Implementation Plan

BRAC 2005 Property Transfer Process

- Army Conveyance Team (ACT)
  - Not the same as the old Base Transition Team (BTT)
- Include the following individuals:
  - BRACD PM, lead and manage
  - Base Transition Coordinator (BTC);
  - Base Environmental Coordinator (BEC);
  - Installation rep;
  - Army Environmental Law Division (ELD) rep;
  - USACE Realty and Legal reps (HQUSACE, USACE CX, and USACE District) and;
  - Other Army personnel (as necessary), to include ASA (I&E) and Army Office of General Counsel rep

BRAC 2005 Property Transfer Process

- Property Transfer Objectives:
  - To close, realign, and transfer BRAC 2005 Priority Transfer Properties within four years of the date of approval of the BRAC recommendations.
  - To pursue fair market value for the property, consistent with applicable laws and regulations.
  - Consideration will ordinarily be for cash, consistent with the best interests of the Government.
  - Work with stakeholders to expedite the property transfer process and maximize the redevelopment potential of the excess BRAC properties.

BRAC 2005 Property Transfer Process

- BRAC Division will designate certain installations as ***Priority Transfer Properties*** based on
  - market value,
  - re-use potential
  - environmental condition &
  - other factors as determined by the BRAC Division.
- DA property transfer strategy varies by:
  - potential value of the installation,
  - redevelopment plan,
  - highest and best use,
  - impact on other property transfers, &
  - Army's best interest.

BRAC 2005 Property Transfer Process

- DoD & Federal Screening Process
  - Review any DOD/Federal agency applications submitted by January 16, 2006
  - Notify LRA/community of DoD/Federal interest
  - Make final determination regarding DoD/Federal requests by May 1, 2006
- ***Property Transfer Plans***
  - DA property transfer strategy
  - consider DoD, Federal and other expressions of interest
  - identified during the screening process

BRAC 2005 Property Transfer Process

- DA will issue a ***Determination of Surplus (DOS)*** as to property that will not be retained by US by May 9, 2006
  - DOS to Local Redevelopment Authority and
    - or Governor of state and heads of local governments concerned, if there is no recognized LRA
  - Department of Housing and Urban Development
  - Date starts statutory milestones
- Army & LRA identify interested parties & Public Benefit Conveyance recipients:
  - state/local governments
  - representatives of the homeless
  - other

BRAC 2005 Property Transfer Process

- **Redevelopment Plan**
  - Planning process culminates with Redevelopment Plan
  - to be considered by the Army in its disposal decisions for land and facilities Disposal
  - Use variety/ combination of conveyance methods:
    - **Federal-to-Federal transfers**
    - **DOD reassignments**
    - **Public Benefit Conveyances (PBC)**
    - **Economic Development Conveyances (EDC)**
    - **exchanges and**
    - **Public Sale**
  - Army will consider all available transfer authorities.
- Method of disposal determined and documented in each Installation's final **Transfer Plan**

BRAC 2005 Property Transfer Process

- Real Property Disposal -
  - USACE, with support from the ACT:
    - negotiate a **Transfer Agreement** with the property recipient
  - The **Transfer Agreement** will include agreement on:
    - the fair market value (FMV)
    - commitment on the part of the recipient to pay FMV,
    - address the future anticipated land use of the property,
    - acknowledgement that transfer may be subject to land use restrictions, environmental remediation responsibilities (including long-term management of land use controls), and property transfer provisions
  - A qualified appraiser will determine FMV where FMV determinations are required.
    - Appraisals will be in accordance with the DOJ standards

BRAC 2005 Property Transfer Process

- Priority Transfer Properties –
  - CERCLA issues – Deed to non-Federal entities requires covenants for clean or that all remedial action taken with respect to hazardous substances
  - During development of the **Property Transfer Plans**, the Army will identify those installations where the environmental remediation can be completed in less than four years.
  - These installations will generally be best candidates for an expedited property transfer.
- Early Transfer Candidates –
  - If all remedial action has not been completed or may take longer than four years to complete, it may be possible to transfer property through the Early Transfer Authority.
  - The Army will seek to maximize use of the Early Transfer Authority where appropriate.

BRAC 2005 Property Transfer Process

- Use Model FOST/Deed formats
  - To streamline the environmental finding/real estate document preparation process
    - The most recent model document versions are contained in the OASA (I&E)/AGC Memorandum dated January 5, 2005, Subject: Transmittal of Model Language for Findings of Suitability to Transfer (FOST) and Deeds Pertaining to Army Real Estate
    - available online: http://www.usace.army.mil/publications/review/cere.htm.

BRAC 2005 Property Transfer Process

- Environmental and Real Estate teams must work in close coordination
  - final Environmental Finding documents (FOSET/FOST/FOSL) impact the property transfer process and disposal doc preparation.
- **BEC** is the technical person for environmental decisions and documents.
  - BEC will work closely with the BRACD PM and the ACT on timelines and environmental issues that impact transfer options.
- **USACE** is the technical office for real estate documents.
  - USACE will work closely with the BRACD PM and the BEC on timelines and real estate issues that impact transfer dates.

RE Document Staffing Processing

- Draft Real Estate Documents.
  - USACE prepare & coordinate draft RE Documents with the ACT.
  - USACE prepare deeds - use Model Deed format & environmental clauses from the approved FOST/FOSET.
- Negotiations of Real Estate Documents.
  - USACE (with support as necessary from the ACT) primarily responsible.
  - USACE will keep the ACT & HQUSACE apprised of significant issues.

RE Document Staffing Processing

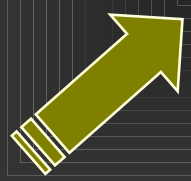
- Final Disposal Document
  - Minor deviations from model deed and approved FOST/FOSET
    - USACE obtains execution by the Recipient, with the caveat that changes may be made on final staffing.
  - Major deviations proposed by the recipient
    - USACE will send a redlined version or summary of significant changes for final ACT review.
  - ACT review
    - BRACD PM will identify significant revisions
    - send electronic version of final document to USACE (with an electronic copy furnished to the ACT).
  - USACE prepares official final document for signature by recipient.

RE Document Staffing Processing

- Deed transmittal package:
  - To the appropriate official will comply with the most recent guidance
- Army Signature.
  - After signature by the property recipient
  - Executed by appropriate Army official.
- Distribution of Signed RE Documents.
  - USACE will provide an electronic copy of the final signed Real Estate document to:
    - BRACD PM
    - Real Estate Accountable Officer (REAO)
    - ACT

RE Document Staffing Processing

- Inventory
  - Designated Real Estate Accountable Officer (REAO) will remove the property from the Real Property Inventory.
  - The REAO will be responsible for documentation and creation of historical files to support Chief Financial Officer Act inventory audits.
  - REAO will notify the BRACD PM that property has been deleted from the inventory
  - Process is not over until the inventory is correct



BRAC Guidance

- DOD 4165.66-M, *Base Reuse Implementation Manual* (BRIM)
- Draft DoD 4165.66-M, *Base Redevelopment and Realignment Manual* (BRRM)
  - New Name
  - Published in Fed Reg, 9 Aug 05
  - 32 CFR Parts 174 and 176
  - Final rule in Fed Reg, 28 Feb 06 (Volume 71, Number 39, page 9910-9927)
- http://www.gpoaccess.gov/fr

Questions?